

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEBASTIEN FUNEZ MENE,

Petitioner,

-v.-

KAJA FUNEZ SOKOLA,

Respondent.

22 Civ. 10333 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The parties appeared for a conference on July 20, 2023, to discuss next steps in this matter. As discussed at that conference, trial in this matter will begin at 9:00 a.m. on **October 30, 2023**. The parties are ORDERED to appear for a final pretrial conference at 11:00 a.m. on **October 26, 2023**.

Additionally, Respondent's request to appear at trial remotely is GRANTED. The Court will consider requests for other witnesses to appear remotely, but the parties are advised that it is unlikely to grant any such request absent compelling cause.

Finally, the Court has carefully considered the parties' respective arguments regarding the schedule for briefing Respondent's contemplated motion to stay enforcement of any return order pending resolution of Respondent's asylum application. The Court agrees with Respondent that the most prudent course is for the parties to brief the issue in conjunction with their proposed findings of fact and law rather than prior to trial. The Court recognizes that either course of action will create some inefficiency; earlier briefing delays trial, and later briefing creates a risk that the Court will issue a

judgment that cannot be immediately enforced. The Court is more willing to tolerate the latter inefficacy. Respondent's asylum application could be pending for months (and perhaps years if appealed), and may very well not ultimately have any impact on the present application. *See Salame v. Tescari*, 29 F.4th 763, 771 (6th Cir. 2022) ("[T]he district court has the authority to order the return of wrongfully removed children, regardless of whether the children were previously granted asylum."). It is the Court's desire to secure proper custody for the child as soon as possible, and delaying trial will not serve that goal.

SO ORDERED.

Dated: July 24, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge